

REMARKS

Claims 1-25 were present in the application prior to this amendment. Claims 1-10 and 19-25 have been amended herein. Claims 11-18 have been canceled. Accordingly, claims 1-10 and 19-25 will be pending in the application after entry of this amendment. Reexamination and reconsideration are requested.

I. Legal Basis for Prior Art Rejections Applied in the Office Action

Legal Basis for Claim Rejection Under 35 U.S.C. § 102

The standard for lack of novelty, that is, for "anticipation," under 35 U.S.C. 102 is one of strict identity. To anticipate a claim for a patent, a single prior source must contain all its essential elements. *Hybritech, Inc. v. Monoclonal Antibodies, Inc.*, 231 USPQ 81, 90 (Fed. Cir. 1986).

II. Affirmation of Election

As requested by the Examiner in paragraph 7 of the Office action, applicants hereby affirm the election (without traverse) to prosecute the invention of Group I, claims 1-10 and 19-25. This election was originally made during a telephone conversation on February 4, 2003, between the Examiner and applicants' attorney.

Applicants have canceled non-elected claims 11-18 herein without prejudice to applicants' ability to re-present these claims.

II. Title of the Invention

In paragraph 9 of the Office action, the Examiner indicates that the title of the invention is not descriptive and requires that a new title be presented. In response to the Examiner's objection, applicants have herein amended the title of the invention to now read as follows:

ROTARY OBJECT WASHER

Accordingly, the Examiner's objection is believed to be addressed.

III. Objection to Claims 7, 10 and 24 under 37 CFR 1.75(c)

Claims 7, 10 and 24 stand rejected under 37 CFR 1.75(c) as being of improper dependent form for failing to further limit the subject matter of a previous claim.

In paragraph 10 of the Office action, the Examiner indicates that that claims 7, 10 and 24 fail to provide any further structural limitation to the claimed apparatus. In response to the Examiner's objection applicants have amended independent claims 1 and 19 to include the language "A **system** comprising:" and recite "at least one object to be washed" as well as "a washer comprising". Dependent claims 2-10 and 20-25 have also been amended in a manner consistent with the above-described amendments to the independent claims. Accordingly, the Examiner's objection is believed to be addressed. Reexamination and reconsideration are requested.

In paragraph 11 of the Office action, the Examiner indicates that if claims 7 and 8 are found to be allowable, claims 24 and 25 will be objected to under 37 CFR 1.75 as being substantial duplicates thereof. In response to the Examiner's concern, applicants have amended claims 24 and 25 herein to depend from base claim 19 versus base claim 1. Accordingly, the Examiner's concern is believed to be addressed.

IV. Rejection of Claims 8 and 25 under 35 USC 112, First Paragraph

In paragraph 13 of the Office action, the Examiner indicates that that claims 8 and 25 are rejected under 35 USC 112, first paragraph, because the specification does not provide enablement for a baffle. In response to the Examiner's rejection of claims 8 and 25, applicants have amended claims 8 and 25 to replace the term "baffle" with the term "curtain," as indicated below:

8. (currently amended) The ~~washer system~~ of claim 1 and further comprising:
a ~~baffle curtain~~ attached to said housing, said ~~baffle curtain~~ comprising an opening; and
wherein said opening is larger than a profile of ~~said at least one of~~ said objects.

25. (currently amended) The ~~washer system~~ of claim ~~4-19~~ and further comprising:
a ~~baffle curtain~~ attached to said housing, said ~~baffle curtain~~ comprising an opening; and
wherein said opening is larger than a profile of ~~said at least one of~~ said objects.

Accordingly, the Examiner's rejection is believed to be addressed.
Reexamination and reconsideration are requested.

V. Rejection of Claims 1-3, 5, 8-9, 19-22 and 25 under 35 U.S.C.

§102(b)

Claims 1-3, 5, 8-9, 19-22 and 25 stand rejected under 35 U.S.C. §102(b) as being anticipated by Flynn (U.S. Patent 3,942,545).
Reexamination and reconsideration of the Examiner's Rejection are requested.

Claims 1-3, 5 and 8-9

Applicants' claim 1, as amended herein, recites the following:

1. A system comprising:
at least one object to be washed; and
a washer comprising:
a housing;
a rotatable member rotatably mounted to said housing at a rotation axis;
wherein, said rotatable member has an outer peripheral surface extending in a direction parallel to said rotation axis;
a rail stationarily mounted to said housing; and
wherein, said object is in contact with both said rotatable member outer peripheral surface and said rail.

Applicants' claim 1 has been amended herein as indicated above in the Listing of Claims. Accordingly, amended claim 1 recites a "rail" rather than a "stationary member." One exemplary embodiment of the applicants' "rail" is fully supported by the specification on, for example, page 27 lines 15-26 and page 28 lines 16-26. This amendment to claim 1 is believed to clearly articulate the element previously referred to as a "stationary member" in the originally-filed claim 1.

Claim 1, thus, now recites a rail. Flynn clearly fails to disclose a rail as recited in applicants' claim 1. Accordingly, claim 1 is not anticipated by Flynn. As previously discussed, the standard for lack of novelty, that is, for "anticipation," under 35 U.S.C. 102 is one of strict identity. To anticipate a claim for a patent, a single prior source must contain all its essential elements. *Hybritech, Inc. v. Monoclonal Antibodies, Inc.*, 231 USPQ 81, 90 (Fed. Cir. 1986).

Applicants' claim 1 further recites the following:

wherein, **said object is in contact with both said rotatable member outer peripheral surface and said rail.**

Claim 1, thus, recites that the object (to be washed) is in contact with the rotatable member and the rail. Flynn does not disclose an object in contact with elements of the washer as recited in applicants' claim 1. For example, Fig. 2 of Flynn illustrates that the object to be washed contacts only the turn table B.

Claims 2-10 are allowable at least as depending from allowable base claim 1.

Claim 2 is allowable on further independent grounds in that Flynn does not disclose or suggest the system of claim 1 and further wherein:

said rail has an arcuate profile.

Claim 2, thus, recites a rail. Flynn does not disclose or suggest a rail with an arcuate profile. The Examiner apparently takes the position that Flynn discloses stationary member 25 and/or 26 that these have an arcuate profile (conduit-shaped). Applicants respectfully assert that wash tubes 25 and rinse tubes 26 of Flynn are not equivalent to applicants' recited rail 800.

Claim 3 is allowable on further independent grounds in that Flynn does not disclose or suggest the system of claim 1 and further wherein:

said rotatable member outer periphery comprises a plurality of detents and wherein said object is engaged within one of said plurality of detents.

Claim 3, thus, recites detents formed in the rotatable member. Flynn does not disclose or suggest detents formed in a rotatable member.

Claim 6 is allowable on further independent grounds in that Flynn does not disclose or suggest the system of claims 1 and 5 and further wherein:

said nozzle has a spray axis and wherein said spray axis is perpendicular to said rotation axis.

Claim 6, thus, recites that the spray axis of the nozzle is perpendicular to the rotation axis of the rotatable member. Flynn does not disclose or suggest nozzles perpendicular to the rotation axis. For example, Fig. 2 of Flynn illustrates nozzles formed in upper spray tube (denoted by reference letter C) that are parallel to the rotation axis of the turn table (denoted by reference letter B).

Claim 7 is allowable on further independent grounds in that Flynn does not disclose or suggest the system of claim 1 and further where:

said object comprises a can body.

Claim 7, thus, recites that the object includes a can body. Flynn does not disclose an object that includes a can body. Flynn only recites a washer for glassware.

Claim 8 is allowable on further independent grounds in that Flynn does not disclose or suggest the system of Claim 1 and further comprising:

a curtain attached to said housing, said **curtain comprising an opening**; and
wherein said opening is larger than a profile of said object.

Claim 8, thus, recites a curtain comprising an opening that is larger than a profile of the object. Flynn does not disclose or suggest a curtain with the above-recited limitations. Flynn does disclose in column 4, lines 5-9 that "Accordingly, the spray curtain E is divided into entry and exit sections 23 and 24, each made up of depending ribbons of flexible overlapped or slitted material substantially occupying the opening between the turntable and top 18." Accordingly, Flynn discloses ribbons of flexible material that fill the entire opening between the turntable and the top.

Claim 9 is allowable on further independent grounds in that Flynn does not disclose or suggest the system of Claim 1 and further wherein:

said rail comprises a first surface thereon;
said rail first surface extends in a direction parallel to said rotation axis;
and
said **object is in contact with said rail first surface**.

Claim 9, thus, recites that the object is in contact with the first surface of the rail that is parallel to the rotation axis. Flynn does not disclose a rail. Furthermore, Flynn does not disclose an object that is in contact with a surface of a rail.

Claim 10 is allowable on further independent grounds in that Flynn does not disclose or suggest the system of Claim 1 and further wherein:

said object is located between said rotatable member outer peripheral surface and said rail.

Claim 10, thus, recites an object located between an outer peripheral surface and a rail. Flynn does not disclose an object located between a rotatable member outer peripheral surface and a rail.

Claims 19-25

Applicants' claim 19, as amended herein, recites the following:

19. A system comprising:
at least one object to be washed; and
a washer comprising:
a housing;
a rotatable member rotatably mounted to said housing at a rotation axis;
a rail stationarily mounted to said housing;
wherein, said object is located between said rotatable member and said rail; and
wherein, said object is in contact with both said rotatable member and said rail.

Applicants' claim 19 has been amended herein as indicated above in the Listing of Claims. Accordingly, amended claim 19 recites a "rail" rather than a "stationary member." One exemplary embodiment of the applicants' "rail" is fully supported by the specification on page 27 lines 15-26 and page 28 lines 16-26. This amendment to claim 19 is believed to clearly articulate the element previously referred to as a "stationary member" in the originally-filed claim 19.

Claim 19, thus, recites a rail. Flynn clearly fails to disclose a rail as recited in applicants' claim 19. Accordingly, claim 19 is not anticipated by Flynn. As previously discussed, the standard for lack of novelty, that is, for "anticipation," under 35 U.S.C. 102 is one of strict identity. To anticipate a claim for a patent, a single prior source must contain all its essential elements. *Hybritech, Inc. v. Monoclonal Antibodies, Inc.*, 231 USPQ 81, 90 (Fed. Cir. 1986).

Claims 20-25 are allowable at least as depending from allowable base claim 19.

It is noted that claims 20,21,22,23,24 and 25 are allowable on further independent grounds for at least the same reasons advanced above with respect to claims 2,3,4,5,6 and 7, respectively.

VI. Rejection of Claims 1-6, 9 and 19-23 under 35 U.S.C. §102(e)

Claims 1-6, 9 and 19-23 stand rejected under 35 U.S.C. §102(e) as being anticipated by Wilson (U.S. Patent 6,276,374). Reexamination and reconsideration of the Examiner's Rejection are requested.

Claims 1-6 and 9

Applicants' claim 1, as amended herein, recites the following:

1. A system comprising:
at least one object to be washed; and
a washer comprising:
 a housing;
 a rotatable member rotatably mounted to said housing at a rotation axis;
 wherein, said rotatable member has an outer peripheral surface extending in a direction parallel to said rotation axis;
 a rail stationarily mounted to said housing; and
 wherein, said **object is in contact with both said rotatable member outer peripheral surface and said rail.**

Applicants' claim 1 has been amended herein as indicated above in the Listing of Claims. Claim 1, thus, recites an object that contacts both a rotatable member and a rail. Wilson clearly fails to disclose an object to be washed contacting both a rotatable member and a rail as recited in applicants' claim 1. Wilson states in lines 31-32 in column 5 that "...parts to be cleand can be loaded into the fixture 150 in the pocket 133 of the wheel 132..."

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Therefore, the objects to be cleaned by Willson's machine only contact the fixture 150. Accordingly, claim 1 is not anticipated by Wilson. As previously discussed, the standard for lack of novelty, that is, for "anticipation," under 35 U.S.C. 102 is one of strict identity. To anticipate a claim for a patent, a single prior source must contain all its essential elements. *Hybritech, Inc. v. Monoclonal Antibodies, Inc.*, 231 USPQ 81, 90 (Fed. Cir. 1986).

Claims 2-6 and 9 are allowable at least as depending from allowable base claim 1.

Claim 2 is allowable on further independent grounds in that Wilson does not disclose or suggest the system of claim 1 and further wherein:

said rail has an **arcuate profile**.

Claim 2, thus, recites that the rail has an arcuate profile. Wilson does not disclose or suggest a rail with an arcuate profile. The Examiner takes the position that Wilson discloses a stationary member 266 with an arcuate profile. Applicants disagree with this position in that Wilson clearly states in, for example, column 5 line 67 and continuing to column 6 line 1 that element 266 is a "removable wall portion." This removable wall portion is not contacted by the object to be washed as recited in claim 1.

Claim 3 is allowable on further independent grounds in that Wilson does not disclose or suggest the system of claim 1 and further wherein:

said rotatable member outer periphery comprises a plurality of detents and **wherein said object is engaged within one of said plurality of detents**.

Claim 3, thus, recites detents formed in the rotatable member and that the object to be washed is engaged with one of the detents. Wilson does not disclose or suggest an object to be washed being engaged within a detent.

Claims 19-23

Applicants' claim 19, as amended herein, recites the following:

19. A system comprising:
at least one object to be washed; and
a washer comprising:
 a housing;
 a rotatable member rotatably mounted to said housing at a
rotation axis;
 a rail stationarily mounted to said housing;
wherein, said object is located between said rotatable member and
said rail; and
 wherein, said **object is in contact with both said rotatable member
and said rail.**

Applicants' claim 19 has been amended herein as indicated above in the Listing of Claims. Claim 19, thus, recites an object that contacts both a rotatable member and a rail. Wilson clearly fails to disclose an object to be washed in contact with a rotatable member and a rail as recited in applicants' claim 19. Accordingly, claim 19 is not anticipated by Wilson. As previously discussed, the standard for lack of novelty, that is, for "anticipation," under 35 U.S.C. 102 is one of strict identity. To anticipate a claim for a patent, a single prior source must contain all its essential elements. *Hybritech, Inc. v. Monoclonal Antibodies, Inc.*, 231 USPQ 81, 90 (Fed. Cir. 1986).

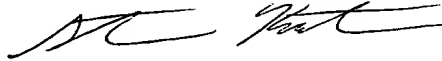
Claims 20-23 are allowable at least as depending from allowable base claim 19.

It is noted that claims 20 and 21 are allowable on further independent grounds for at least the same reasons as advanced above with respect to claims 2 and 3, respectively.

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In view of the above, claims 1-10 and 19-25 are believed to be in
condition for allowance. Reexamination and reconsideration are requested.

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